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By ECF

June 12, 2019

Hon. Jack B. Weinstein
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

**Re: *Belfiore v. The Procter & Gamble Company*, 14 Civ. 4090
(JBW) (RML)**

Dear Judge Weinstein:

I write on behalf of Defendant The Procter & Gamble Company (“P&G”) in connection with the Court’s June 10, 2019 order granting P&G’s request for a status conference specific to the *Belfiore* case. See D.E. 279. In that same order, the Court also directed the parties in the *Kurtz* and *Belfiore* cases to consider a schedule for an evidentiary hearing, as well as a status conference with all the parties to discuss that hearing. P&G now writes to respectfully request that the Court set the *Belfiore*-only status conference to precede the broader one involving all the parties in *Kurtz* and *Belfiore*.

As P&G outlined in its May 31, 2019 letter requesting a *Belfiore*-only status conference, see D.E. 277, it recently entered into a 49-state settlement of claims regarding its flushable wipes, and the FTC has now closed its investigation of P&G’s flushable wipes. These developments, which are specific to the *Belfiore* case, raise issues wholly independent of the injury and causation issues identified by the Second Circuit as to whether this Court should decertify the purported *Belfiore* class. P&G seeks to discuss these issues with the Court as soon as possible, and before any broader status conference to discuss the evidentiary hearing that includes the *Kurtz* parties, because the outcome of that discussion could affect the nature of P&G’s participation in the evidentiary hearing. In addition, P&G requests that the Court set the status conferences for separate days given that the issues to be discussed in the *Belfiore*-only status conference are complex, could require lengthy discussion, and are entirely distinct from any issues regarding the evidentiary hearing.

P&G understands that all of the *Kurtz* and *Belfiore* parties are available for the broader status conference on Tuesday, June 18 at 12 noon. For the reasons set forth above, P&G respectfully requests that the Court set the *Belfiore*-only status conference for the day before at a time P&G understands to be available: Monday, June 17 at 11 a.m. However, if the Court prefers to hold the two status conferences on the same day, P&G requests that the *Belfiore*-specific conference start at 11 a.m. on Tuesday, June 18 such that it is distinct from and formally precedes the conference among all the *Kurtz* and *Belfiore* parties.

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Respectfully submitted,

COVINGTON & BURLING LLP

/s/ Cortlin H. Lannin
Cortlin H. Lannin

Counsel for Defendant

cc: Counsel of record (via ECF)